

Date Received  
TOWN CLERK

By: \_\_\_\_\_



TOWN OF ACTON  
MASSACHUSETTS

Date Received  
BOARD OF APPEALS

By: \_\_\_\_\_

BOARD OF APPEALS  
(FORM 4)  
PETITION FOR A SPECIAL PERMIT

19

I/We hereby petition the Board of Appeals for a public hearing and a special permit under Section B.1.4 of the Zoning By-Law, as provided by G.L. Chapter 40A, Section 9 to allow:

Addition to 42 Pope Road Please see attached brief & proposed plans.

OFFICE USE ONLY

Four copies of petition? + a CD ROM

Location map? \_\_\_\_\_

Plot plans? \_\_\_\_\_

Additional briefs? \_\_\_\_\_

List of abutters and  
other interested parties? \_\_\_\_\_

Fee - \$100.00/1-25 abutters  
\$125.00/26+ abutters? \_\_\_\_\_

Next Hearing Date? \_\_\_\_\_ No \_\_\_\_\_

Respectfully submitted

Signed \_\_\_\_\_

(Petitioner)

Name \_\_\_\_\_

Address 42 Pope Road Acton, MA 01720

Phone # (617)-835-7261

Signed \_\_\_\_\_

(Owner of record)

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone # \_\_\_\_\_

A special permit may be granted by the Board of Appeals under specific paragraphs of the Zoning By-Law. In general, the use may be permitted if the special permit will be in harmony with the general provisions and intent of the Zoning By-Law and if all requirements or conditions for the granting of such a permit, as contained in the specific sections of the Zoning By-Law, have been satisfied.

Revised 8/5/88

**John Keramaris  
42 Pope Road  
Acton, MA 01720  
Tel. 617-835-7261**

To: Town of Acton Board of Appeals  
472 Main Street  
Acton, MA 01729

**Re: Brief in Support of Petition for Special Permit 42 Pope Road Acton  
(Map G-5, Parcel 5)**

Dear Board Members:

1- I recently purchased 42 Pope Road, Acton MA with the intention of renovating and expanding it, and moving into it with my fiancée and soon-to-be child.

2- After reviewing the attached plans, Scott Mutch, the Zoning enforcement officer, informed my architect that the proposed addition constituted an "extension, alteration or change" on a nonconforming lot which would increase the size of the structure by more than 15% and therefor require a Special Permit under Section 8.1.5 of the Zoning Bylaws. The home is considered non-conforming because it is located in Zoning District R-8 and, accordingly, its minimum lot area is 80,000 square feet. The lot is only 22,066 square feet.

3- The current home was built in 1954. It has 2 bedrooms and 1 bathroom and 2024 square feet of gross livable area. The previous owner

of the home recently completed the installation of a 3-bedroom septic system along with the connecting the home to the Acton water supply.

**4-** The proposed addition calls for the addition of a master bedroom suite which would increase the gross interior livable area of the home by 462 square feet. Based on the current bylaw, Section 8.1.4, I would be entitled to increase the square footage of the home by 15%, or 303 square feet A.N.R. **The proposed addition seeks and allowance of 159 square feet above and beyond the 15% allowance.**

**5-** The proposed addition also calls for the addition of a 24'x 24' single-story two-car garage. The Zoning enforcement officer interprets the new definition of "STRUCTURE" under the zoning by-law to now include the garage space, even though this square footage does not contribute to the home's gross livable area. The total square footage of the proposed garage would be 576 square feet, the standard size for a two-car garage.

**6-** The proposed addition to the home does not effect setback compliance.

**7-** Section 8.1.5 of the Zoning Bylaws provides that "in all other cases" such extension, alteration, or change of a structure on a non-conforming lot may be permitted by SPECIAL PERMIT if the board determines "either that the proposed modification does not increase the nonconformity or, if the proposed modification does increase the nonconformity, it will not be substantially more detrimental to the neighborhood than the existing STRUCTURE on the nonconforming LOT."

**8-** The proposed addition is an extension, alteration or change that will not be substantially more detrimental to the neighborhood than the existing STRUCTURE on the nonconforming LOT for the following reasons:

a-The proposed addition is modest and only seeks an overage of gross floor area of 159 sq. feet above the 15% threshold. The total finished size of the interior of the home will only be 1574 square feet, smaller than **every single** home on Pope Road, Braebrook and Wingate Lane, except for one small home located at the end of Braebrook.

b-The home will remain a one-story ranch and the set-back requirements for the addition are amply fulfilled.

c-The proposed addition is consistent with the Master Plan and is in harmony with the general purpose and intent of the Zoning by-laws.

d-The proposed addition is appropriate for the site and will not be more detrimental or injurious to the neighborhood, and

e-The proposed addition otherwise complies with the applicable requirements of the Zoning Bylaws.

I respectfully request the Board members GRANT the attached application for special permit subject to conditions the Board sees fit.

*/s/ John Keramaris*



**Town of Acton**  
472 Main Street  
Acton, MA 01720  
Telephone (978) 929-6621  
Fax (978) 929-6340

Brian McMullen  
Assessor

Locus: 42 POPE RD  
Parcel: G5-5

Parcel ID	LOCATION	Owner	Co-Owner	Mailing Address	City	ST	Zip
F5-42	7 FLAGG RD	FOLEY RICHARD D	JEAN FLOYD	7 FLAGG RD	ACTON, MA	01720	
F5-45	5 BRAEBROOK RD	LEMIRE THOMAS M	LEMIRE ELIZABETH G	5 BRAEBROOK RD	ACTON, MA	01720	
F5-47	3 BRAEBROOK RD	HOCHARD THERESA	ROBERT	3 BRAEBROOK	ACTON, MA	01720	
F5-48	54 POPE RD	NADEAU EARL L	C/O NADEAU ANDREW E + CULLINANE NANCY E	58 CENTRAL ST	ACTON, MA	01720	
F5-49	50 POPE RD	SRIVASTAVA SHEKHAR	SRIVASTAVA SHALINI	50 POPE RD	ACTON, MA	01720	
G5-10	32 POPE RD	SURPRISE CRAIG		1100 W CALLE EXCEISO	GREEN VALLEY, AZ	85614	
G5-11	39 POPE RD	ALLENDE RACHEL M HOLLY	ABRAHAM JACOB D	39 POPE RD	ACTON, MA	01720	
G5-14	37 POPE RD	MOVSESIAN RAFIK G.	MOVSESIAN HELEN T	37 POPE RD	ACTON, MA	01720	
G5-17	33 POPE RD	MCGURL MICHAEL J	NANCY L	33 POPE RD	ACTON, MA	01720	
G5-3	6 BRAEBROOK RD	CHABAD CENTER OF ACTON INC		6 BRAEBROOK RD	ACTON, MA	01720	
G5-4	4 BRAEBROOK RD	CHAPIN JR HENRY T	CHAPIN LINDA R	4 BRAEBROOK ROAD	ACTON, MA	01720	
G5-6	38 POPE RD	CHEEVER RICHARD N TRUSTEE	CHEEVER MARY JANE TRUSTEE	RICHARD N CHEEVER TRUST	ACTON, MA	01720	
G5-7	4 WINGATE LN	LEUCI DAVID M	LEUCI DAVID M	4 WINGATE LN	ACTON, MA	01720	
G5-7-1	2 WINGATE LN	MULLARKEY VINCENT J	MULLARKEY KATHLEEN M	2 WINGATE LANE	ACTON, MA	01720	
G5-7-2	1 WINGATE LN	BLANEY JOHN A	BLANEY SUZANNE I	1 WINGATE LN	ACTON, MA	01720	
G5-7-3	3 WINGATE LN	CHINITZ JONATHAN E	CHINITZ JANET F	3 WINGATE LN	ACTON, MA	01720	

Abutters and owners of land directly opposite on any public or private street or way and abutters to the abutters within three hundred feet of the property line all as they appear on the most recent applicable tax list.

**HEARING NOTICES FOR ALL SPECIAL PERMITS MUST BE SENT TO THE  
PLANNING BOARD, TOWN HALL IN THE FOLLOWING TOWNS:**

Boxborough, MA 01729    Maynard, MA 01754    Concord, MA 01742    Littleton, MA 01460  
Carlisle, MA 01741    Stow, MA 01775    Westford, MA 01886    Sudbury, MA 01776

David R. Derosier, MAA  
Acton Assessors Office

7/7/2014